



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1994

Mr. Lou Bright
General Counsel
Texas Alcoholic Beverage Commission
P.O. Box 13127
Austin, Texas 78711-3127

OR94-875

Dear Mr. Bright:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30677.

The Texas Alcoholic Beverage Commission (the "commission") received an open records request for "information about the TABC 'sting' operations conducted in Potter County from Aug. 24 to Sept. 23, 1994, and in Randall County from June 22 to July 1, 1994, in which alcohol was sold to a minor 55 times." You state that among the requested records is an offense report concerning the arrest of a juvenile; you contend that this record is made confidential by section 51.14 of the Family Code and thus must be withheld from the public pursuant to section 552.101 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) Section 51.14(d), which deals with juvenile records held by law-enforcement agencies,¹ provides in pertinent part:

¹The commission employs commissioned peace officers to enforce certain provisions of the Alcoholic Beverage Code. See Alco. Bev. Code § 5.34; Code Crim. Proc. art. 2.12(6). Consequently, the commission is a law-enforcement agency for purposes of the Open Records Act to the extent that it assists in enforcing criminal violations of the Alcoholic Beverage Code.


(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [pertaining to juvenile crime] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

This subsection lists the persons or entities who may gain access to law-enforcement records concerning juvenile crime; the subsection does not grant the law-enforcement officials who control these documents discretion as to who else may see them. Although the attorney general has held that provisions of section 51.14 are not violated by the release of general statistical law-enforcement data that provides no real opportunity for identification of the juvenile, *see* Attorney General Opinion H-529 (1975), detailed reports of alleged delinquent conduct must be withheld. *See* Open Records Decision No. 181 (1977). Accordingly, the commission must not release this record to the requestor.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Loretta R. DeHay
Assistant Attorney General
Open Government Section

²Because you have not requested an open records decision with regard to the other requested information, we assume that the commission has released the remaining information to the requestor in its entirety.

LRD/RWP/rho

Ref.: ID# 30677

Enclosures: Submitted document

cc: Ms. Cathy Martindale
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